

DECLARATION
OF
CARL W. VOGT

1. My name is Carl W. Vogt. I am a senior partner in the law firm of Fulbright & Jaworski L.L.P., resident in its Washington office. I am currently representing Sky Station International, Inc. (SSI) in matters pertaining to the Federal Aviation Administration (FAA).
2. By way of background, I served as Chairman of the National Transportation Safety Board from 1992 to 1994. In 1996 I was appointed by President Clinton as a member of the White House Commission on Aviation Safety and Security (the "Gore Commission") following the crash of TWA Flight 800. Previously I was appointed by FAA Administrator David Hinson to serve on the FAA's 90 Day Safety Review Committee following the ValuJet crash. In 1990 FAA Administrator James Busey appointed me to serve as a member of the FAA Advisory Committee on Aviation System Capacity. Currently I am a member of the Board of Governors and General Counsel of the Flight Safety Foundation and Chairman of the American Bar Association, Forum on Air and Space Law. I am a Fellow of the Royal Aeronautical Society, hold a commercial pilot's license and served in the U.S. Marine Corps as a carrier-based jet fighter pilot.
3. The Administrator of the FAA is responsible exclusively for promoting the "safe flight of civil aircraft and air commerce" through the promulgation and enforcement of regulations pertaining to all aspects of civil aviation and air traffic control in U.S. airspace. 49 U.S.C. § 44701(a) *et seq.* By definition the Sky Station platform will be a "civil aircraft of the United States" engaged in "air commerce" in "navigable airspace." 49 U.S.C.

§ 40102(3)(6)(16)(17). As such, it will fall squarely within the exclusive safety regulatory authority of the FAA.

4. Therefore, under 49 U.S.C. § 40101(d)(1) and (3), the Administrator of the FAA has the responsibility to regulate both the airborne operations of Sky Station platforms and the airworthiness of individual platforms in the interest of public safety. Accordingly, (a) the safe operations of the Sky Station platform will be governed by the air traffic regulations promulgated by the FAA under the authority of 49 U.S.C. § 40103(b)(2); and (b) the safe design, production quality control, airworthiness certification and maintenance of Sky Station platforms will be governed by the safety regulations promulgated by the FAA under the authority of 49 U.S.C., Chapter 447 -- Safety Regulation.
5. Moreover, because Sky Station platforms will be "civil aircraft" operated in "air commerce" in "navigable airspace," and will be owned by a citizen of the United States, each platform must be registered in accordance with the regulations promulgated by the FAA pursuant to 49 U.S.C. Chapter 441.
6. The FAA safety regulations that will govern the design, production quality control, airworthiness certification, maintenance, and operation of Sky Station platforms are codified in Title 14, Code of Federal Regulations, Chapter 1, commonly referred to as the Federal Aviation Regulations (FAR).
7. I have attended on behalf of SSI a number of meetings with FAA officials to discuss safety, certification and air traffic control procedures. It was clearly understood that the FAA has regulatory jurisdiction over all such issues involving SSI.

8. It is my opinion that the FAA's exercise of its exclusive regulatory authority over the design, production, quality control, airworthiness certification, maintenance, and operations of the Sky Station platform will adequately address public safety issues.

I declare under penalty of perjury that the factual statements contained in this document are true and correct to the best of my knowledge, understanding and belief.



Carl W. Vogt

Date: September 18, 1998